



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

FEB 06 2015

UNITED PARCEL SERVICE

Mr. Richard R. Rose
Plant Manager
BP America Production Company
Pascagoula Gas Processing Plant
6800 Stennis Boulevard
Moss Point, Mississippi 39562

Dear Mr. Rose:

The purpose of this letter is to request information as part of a U.S. Environmental Protection Agency investigation of the BP America Production Company facility located in Moss Point, Mississippi, to determine the compliance status with the requirements of the Clean Air Act (CAA). Section 114(a) of the CAA, 42 U.S.C. § 7414(a), authorizes the Administrator of the EPA to require any person who owns or operates an emission source, whom the Administrator believes may have information necessary for the purposes of Section 114(a), or who is subject to any requirement of the CAA, to provide such information as the Administrator may reasonably require for the purpose of carrying out any provision of the CAA. This authority has been duly delegated to the Director of the Air, Pesticides, and Toxics Management Division, Region 4.

Therefore, pursuant to Section 114(a) of the CAA, 42 U.S.C. Section 7414(a), as amended, you are hereby required to respond to the Information Request enclosed herein as Enclosure B. The response to the information requested must be accompanied by the enclosed Statement of Certification (Enclosure C), which is to be signed by a responsible official of BP America Production Company. Submit your response within thirty (30) days of receipt of this letter to the following:

Air Enforcement and Toxics Branch
U.S. Environmental Protection Agency
61 Forsyth Street, S.W.
Atlanta, Georgia 30303
Attn: Todd Groendyke

Failure to provide the information required may result in the issuance of an Order requiring compliance with the requirements contained herein, or the initiation of a civil action pursuant to Section 113 of the CAA, 42 U.S.C. § 7413. This may include civil and/or administrative penalties of up to \$37,500 per day of noncompliance, pursuant to Sections 113(b) and (d) of the CAA, 42 U.S.C. § 7413(b) and (d).

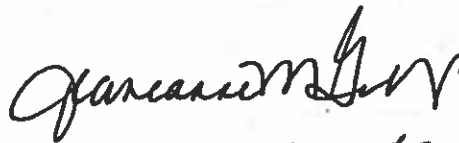
Under 40 C.F.R. Part 2, Subpart B, you may assert a business confidentiality claim covering part or all of the information you submit, other than emissions data and information or data that is otherwise publicly available, as described in 40 CFR §§ 2.203(b); 2.301(a) and 2.301(e). The page, paragraph, and sentence must be identified for any information subject to a claim of business confidentiality. Requirements for asserting a claim of business confidentiality are described in Section A of Enclosure

A. If no business confidentiality claim accompanies the information when it is received by the EPA, the EPA may make the information available to the public without further notice. If a business confidentiality claim accompanies the information when it is received by the EPA, Section B of Enclosure A describes the confidential business information substantiation requirements you will be asked to comply with in the event that the EPA receives a Freedom of Information Act request or otherwise wants to determine whether such information is entitled confidential treatment. See 40 C.F.R. § 2.204. In those instances, you will be given an opportunity to submit comments on your claim by responding to 11 questions in Section B of Enclosure A. See 40 C.F.R. § 2.204(e)(4). Your comments in response to these questions will be used by the EPA to determine whether the information has been shown to meet the requirements so as to be entitled to confidential treatment. Failure to submit your comments by the deadline in the letter will be regarded as a waiver of your confidentiality claim, and the EPA may release the information.

This Information Request is not subject to the approval requirement of the Paperwork Reduction Act of 1980, 44 U.S.C. §3501 et seq.

If you have questions regarding this Information Request, please contact Mr. Todd Groendyke at (404) 562-8262.

Sincerely,



Beverly H. Banister
Director

Air, Pesticides and Toxics Management Division

Enclosures

cc: Chris Sanders, Chief
Mississippi Department of Environmental Quality (MDEQ)
Office of Pollution Control
Compliance and Enforcement Division

ENCLOSURE A

Confidential Business Information (CBI) Assertion and Substantiation Requirements

A. Assertion Requirements

You may assert a business confidentiality claim covering part or all of the information you submit, other than emissions data and information or data that is otherwise publicly available, as described in 40 CFR 2.203(b). If no business confidentiality claim accompanies the information when it is received by EPA, ~~EPA may make the information available to the public without further notice.~~ To make a confidentiality claim, submit the requested information and indicate that you are making a claim of confidentiality. Any document over which you make a claim of confidentiality should be marked by placing on or attaching to the information, at the time it is submitted to EPA, a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as "trade secret" or "proprietary" or "business confidential" and a date if any when the information should no longer be treated as confidential. **You must be specific by page, paragraph, and sentence when identifying the information subject to your claim.** Allegedly confidential portions of otherwise non-confidential documents should be clearly identified. Information covered by such a claim will be disclosed by the EPA only to the extent permitted and by means of the procedures set forth by Section 114(c) of the Clean Air Act (the Act), and 40 C.F.R. Part 2, Subpart B. The EPA will construe the failure to furnish a confidentiality claim with your response to the attached letter as a waiver of that claim, and the information may be made available to the public without further notice to you.

Please segregate personnel, medical and similar files from your responses and include that information on separate sheet(s) marked as "Personal Privacy Information" given that disclosure of such information to the general public may constitute an invasion of privacy.

B. Substantiation Requirements

All confidentiality claims are subject to EPA verification and must be made in accordance with 40 C.F.R. Part 2, Subpart B. You bear the burden of substantiating your confidentiality claim and must satisfactorily show that disclosure of the information would be likely to cause substantial harm to your business' competitive position; that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so; and that the information is not and has not been reasonably obtainable by legitimate means without your consent, among other things. Conclusory allegations will be given little or no weight.

Before EPA makes a final determination regarding your claim of confidentiality, pursuant to 40 C.F.R. Part 2, Subpart B, EPA will send you a letter asking you to substantiate fully your CBI claim by answering 11 questions. Your comments in response to these questions will be used by the EPA to determine whether the information has been shown to meet the requirements so as to be entitled to confidential treatment. You must provide EPA with a response within the number of days set forth in the EPA request letter. Failure to submit your comments within that time will be regarded as a waiver of your confidentiality claim or claims, and EPA may release the information.

EPA will ask you to specify which portions of the information you consider confidential. You must be specific by page, paragraph, and sentence when identifying the information subject to your claim. Please note that if a page, document, group or class of documents claimed by you to be confidential contains a significant amount of information which the EPA determines is not confidential, your confidentiality claim regarding that page, document, group or class of documents may be denied. Any

information not specifically identified as subject to a confidentiality claim may be disclosed without further notice to you. For each item or class of information that you identify as being confidential, EPA will ask you to answer the following questions, giving as much detail as possible, as conclusory allegations will be given little or no weight in EPA's determination:

- 1) For what period of time do you request that the information be maintained as confidential, e.g., until a certain date, until the occurrence of a specified event, or permanently? If the occurrence of a specific event will eliminate the need for confidentiality, please specify that event.

- 2) Information submitted to the EPA becomes stale over time. Why should the information you claim as confidential be protected for the time period specified in your answer to question #1?
- 3) What measures have you taken to protect the information claimed as confidential? Have you disclosed the information to anyone other than a governmental body or someone who is bound by an agreement not to disclose the information further? If so, why should the information be considered confidential?
- 4) Is the information contained in any publicly available material such as the Internet, publicly available databases, promotional publications, annual reports, or articles? If so, specify which.
- 5) Is there any means by which a member of the public could obtain access to the information? Is the information of a kind that you would customarily not release to the public?
- 6) Has any governmental body made a determination as to the confidentiality of the information? If so, please attach a copy of the determination.
- 7) For each item or category of information claimed as confidential, explain with specificity why release of the information is likely to cause substantial harm to your competitive position. Explain the specific nature of those harmful effects, why they should be viewed as substantial, and the causal relationship between disclosure and such harmful effects. How could your competitors make use of this information to your detriment?
- 8) Do you assert that the information is submitted on a voluntary or a mandatory basis? Please explain the reason for your assertion. If you assert that the information is voluntarily submitted information, please explain whether the information is the kind that would customarily not be released to the public.
- 9) Whether you assert the information as voluntary or involuntary, please address why disclosure of the information would tend to lessen the availability to the EPA of similar information in the future.
- 10) If you believe any information to be (a) trade secret (s), please so state and explain the reason for your belief. Please attach copies of those pages containing such information with brackets around the text that you claim to be (a) trade secret (s).
- 11) Explain any other issue you deem relevant (including, if pertinent, reasons why you believe that the information you claim to be CBI is not emission data or effluent data).

Please note that emission data provided under Section 114 of the Act, 42 U.S.C. § 7414, is not entitled to confidential treatment under 40 C.F.R. Part 2. "Emission data" means, with reference to any source of

emission of any substance into the air - (A) information necessary to determine the identity, amount, frequency, concentration, or other characteristics (to the extent related to air quality) of any emission which has been emitted by the source (or of any pollutant resulting from any emission by the source), or any combination of the foregoing; (B) information necessary to determine the identity, amount, frequency, concentration, or other characteristics (to the extent related to air quality) of the emissions which, under an applicable standard or limitation, the source was authorized to emit (including, to the extent necessary for such purposes, a description of the manner and rate of operation of the source); and (C) a general description of the location and/or nature of the source to the extent necessary to identify the source and to distinguish it from other sources (including, to the extent necessary for such purposes, a description of the device, installation, or operation constituting the source). 40 C.F.R. §§ 2.301(a)(2)(i)(A), (B) and (C).

Information designated confidential will be disclosed by EPA only to the extent allowed by, and by means of the procedures set forth in, 40 C.F.R. Part 2, Subpart B. If you fail to claim the information as confidential, it may be made available to the public without further notice to you.

ENCLOSURE B

Request to Provide Information

For purposes of this information request, the definitions set forth in Section B shall apply and should be considered carefully by you in preparing your responses.

A. INSTRUCTIONS:

- 1) Please provide a separate narrative response to each question and subpart of a question set forth in this Information Request and precede each answer with the number of the question to which it corresponds.
- 2) If requested information or documents are not known or are not available to you at the time of your response to this Information Request, but later become known or available to you, you must supplement your response to the EPA. Moreover, should you find at any time after submission of your response that any portion is or becomes false, incomplete, or misrepresents the facts; you must provide the EPA with a corrected response as soon as possible.
- 3) Requested information can be submitted in electronic form if applicable.
- 4) Where specific information has not been memorialized in a document, but is nonetheless responsive to a Request, you must respond to the Request with a written response.
- 5) The information requested herein must be provided even though PSC may contend that it includes possible confidential information or trade secrets. You may, if you desire, assert a confidentiality claim covering part or all of the information requested, pursuant to Section 114(c) of the CAA, 42 U.S.C. § 7414(c), and 40 C.F.R. § 2.203(b), by attaching to such information at the time it is submitted, a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as "trade secret," or "proprietary," or "company confidential." Information covered by such a claim will be disclosed by the EPA only to the extent, and only by means, of the procedures set forth in the statute and regulation identified above. If no such claim accompanies the information when it is received by the EPA, it may be made available to the public by the EPA without further notice to you. You should read the above cited regulations carefully before asserting a business confidentiality claim, since certain categories of information are not properly the subject of such a claim.
- 6) If information responsive to this Information Request is not in your possession, custody or control, then identify the person from whom such information may be obtained.
- 7) If you have reason to believe that there may be persons able to provide a more detailed or complete response to any Information Request or who may be able to provide additional responsive documents, identify such persons and the additional information or documents that they may have.

B. DEFINITIONS:

- 1) The term "you", "BP America Production Company" or "BP" shall include BP America Production Company, its parent corporation(s) and subsidiaries, the addressees of this Request, and the officers,

managers, employees, contractors, trustees, partners, successors, assigns, and agents of the above corporations.

- 2) "Facility" means the plant (including all physical structures) owned and/or operated by BP, located at 6800 Stennis Boulevard, Moss Point, Mississippi.
 - 3) The term "identify" means, with respect to a natural person, to set forth the person's name, present or last known business address and business telephone number, present or last known home address and home telephone number, and present or last known job title, position or business.
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- 4) The term "identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including a sole proprietorship), to set forth its full name, address, legal form (e.g., corporation, partnership, etc.), organization, if any, and a brief description of its business.
 - 5) The term "identify" means, with respect to a document, to provide its customary business description, its date, its number, if any (invoice or purchase order number), the identity of the author, addressor, addressee(s) and/or recipient, and the substance or the subject matter.
 - 6) The terms "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.
 - 7) The term "document" shall include writings of any kind, formal or informal, whether or not wholly or partially in handwriting (including by way of illustration and not by way of limitation), any invoice, receipt, endorsement, check, bank draft, canceled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations including meetings, agreements and the like, diary, calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, report, notice, message, analysis, comparison, graph, chart, inter-office or intra-office communications, photostat or other copy of any documents, microfilm or other film record, photograph, sound recording on any type of device, punch card, disc or disc pack, tape or other type of memory generally associated with computers and data processing (together with the programming instructions and other written material necessary to use punch card, disc, disc pack, tape or the type of memory); including (a) every copy of each document which is not an exact duplicate of a document which is produced, (b) every copy which has any writing, figure, notation, annotation, or the like on it, drafts, (d) attachments to or enclosures with any document, and (e) every document referred to in any other document.
 - 8) The term "Flare" is defined as the High Flow Flare (N-5011) and Low Flow Flare (N-5020) located at the BP America Production Company facility in Moss Point, Mississippi.
 - 9) The term "Pilot Gas" means gas injected at a flare tip to maintain a flame.
 - 10) The term "Purge Gas" or "Sweep Gas" means all gas introduced prior to the Flare tip to protect against oxygen buildup in the Flare header and/or to maintain a constant flow of gas through the flare and out the tip.
 - 11) The term "Supplemental Gas" means all gas introduced to raise the heating value of Waste Gas.

- 12) The term "Vent Gas" means all gases found just prior to the flare tip. This gas includes all Waste Gas, Purge Gas, Supplemental Gas, nitrogen and hydrogen, but does not include Pilot Gas or steam.
 - 13) The term "Waste Gas" means all gases routed to a flare for combustion, excluding Purge Gas, Supplemental Gas, Pilot Gas, and steam.
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INFORMATION REQUEST

You are hereby required, in accordance with Section 114(a) of the Act, 42 U.S.C. § 7414(a), to provide the following information for BP America Production Company in Moss Point, Mississippi.

- 1) For each Flare, for each hour of each day from January 1, 2010, through January 1, 2015, provide the measured, calculated or estimated vent gas (i.e., the mixture of waste gas, sweep gas, purge gas, and/or supplemental gas) mass and volumetric flow rates in pounds per hour and wet standard cubic feet per minute that was routed to each Flare. If vent gas flow is not measured directly, use the best method(s) available to estimate or calculate the requested information on an hourly basis, which would include but not be limited to, the use of pressure measurements. Provide a narrative explanation and example calculations describing how you arrived at your response. If vent gas flow was not measured or cannot be calculated or estimated, (e.g., lack of equipment or equipment malfunction and/or maintenance at a Flare) provide an explanation of why no data is available explaining why the flow cannot be calculated or estimated.
- 2) For each Flare, for each hour required in response to Question 1, provide the hourly average concentration of each constituent in the vent gas vented to each Flare, with their respective molecular weights and British thermal units per standard cubic foot (Btu/scf) values. If the constituents in the vent gas were not measured directly, use the best method(s) available to estimate or calculate the requested information on an hourly basis. Such methods of estimation/calculation would include, but would not be limited to, the use of calculations from an online, intermittent, or continuous gas chromatograph (whether at the Flare or upstream of the Flare), one-time or periodic samples/analysis of gas constituents flowing to the Flare (whether at the Flare or upstream of the Flare), and/or process knowledge. Provide a narrative explanation and example calculations describing how you arrived at your response.
- 3) Provide a copy of the results of every measurement of the concentration of constituents of vent gas sent to any Flare that was undertaken from January 1, 2010, through January 1, 2015.
- 4) For each Flare, for each hour required in response to Question 1, provide the hourly average heating value, in Btu/scf, of the vent gas vented to each Flare. If the heating value was not measured/calculated, use the best means available to estimate/calculate the requested information on an hourly basis. Such methods of estimation/calculation would include, but would not be limited to, the use of calculations from an online, intermittent, or continuous gas chromatograph (whether at the Flare or upstream of the Flare), one-time or periodic samples/analysis of the vent gas flowing to the Flare (whether at the Flare or upstream of the Flare), and/or process knowledge. Provide a narrative explanation and example calculations describing how you arrived at your response.
- 5) For each Flare, for each hour required in response to Question 1, provide the hourly average rate at which steam and/or assist air was being added to each Flare, in pounds per hour for steam and/or scf/hour for assist air, at all locations on the Flare (i.e., the sum of seal, upper, lower, winterizing, etc.) during each venting period. If the steam and/or assist air flow was not measured, use the best means available to estimate it on an hourly basis. Such methods of estimation/calculation would include, but would not be limited to, estimating flow from pressure measurements or estimating steam flow from valve position data. Provide a narrative explanation and example calculations, if appropriate, describing how you arrived at your response.
- 6) For each Flare, for each hour required in response to Question 1, provide the hourly average steam-

to-vent-gas or assist air-to-vent-gas ratio (pound of steam/pound of vent gas or scf of assist air/pound of vent gas) for each Flare. Provide a narrative explanation and example calculations, if appropriate, describing how you arrived at your response.

- 7) For each Flare, provide the minimum steam or assist air addition rate, in pound/hour for steam and/or scf/hour for assist air, at all locations on the Flare (i.e., the sum of seal, upper, lower, winterizing, etc.). To the extent that the minimum steam or assist air addition rate changes on a seasonal basis, state the minimum rate for each season and the time periods during which each season's minimum rate applies.

- 8) Provide copies of any and all documents in your possession, custody, or control that prescribe or recommend the amount of steam or assist air to be added to each Flare. Identify in your narrative response the location in each document(s) that refers to the maximum steam or assist air rate; the minimum steam or assist air rate; the steam or assist air addition rate associated with particular venting scenarios; any general steam-to-vent-gas ratios, steam-to-specific-organic-gas ratios, assist-air-to-vent-gas ratios, or assist-air-to specific-organic-gas ratios; or any other reference to steam or assist air addition.
- 9) For each Flare, state the date of installation, the manufacturer, and the model number.
- 10) For each Flare, provide copies of all manuals and/or operating instructions that were provided by the Flare manufacturer or vendor at any time. If no such documents are in your possession, state whether you never received any such documents or whether the documents were lost or discarded.
- 11) Describe in detail any research or studies conducted or reviewed by Facility personnel or at the direction of Facility personnel regarding the operation of Flares, including, but not limited to research or studies into steam and/or assist air addition to Flares.
- 12) Provide copies of any and all documents in your possession, custody, or control acquired or generated as the result of the research or studies that are the subject of Question 11.
- 13) In addition to the Documents sought in Question 10, describe in detail how each Flare operator is instructed on the level of steam, assist air and/or supplemental gas to be added to the Flares. Include the specifics of such instructions.

ENCLOSURE C

This is to be signed and dated by a duly authorized official of BP America Production Company.

STATEMENT OF CERTIFICATION

I hereby certify that the foregoing responses and information provided to the EPA in response to its Clean Air Act, Section 114, Information Request were prepared under my direction or supervision and that I have personal knowledge of all matters set forth in the responses and the accompanying information or that I consulted with individuals having personal knowledge (note, please identify such individuals). I certify that the responses are true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment.

Signature and Date

Printed Name and Title

